

REMARKS/ARGUMENTS

Claims 1-25 are pending in this Application.

Claims 1-25 remain pending in the Application after entry of this Amendment.

No new matter has been entered.

In the Office Action, claims 1-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,961,330 (hereinafter “Cattan”) in view of U.S. Patent Application Publication No. 2001/0056508 (hereinafter “Arneson”).

Claim Rejections Under 35 U.S. C. § 103(a)

Applicants respectfully traverse the rejections to claims 1-25 and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on Cattan in view of Arneson. The Office Action alleges that claimed invention is directed to obvious subject matter, in that the combination of Cattan and Arneson expressly or impliedly disclose or suggest the claimed invention. The Office Action further alleges that one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of Cattan and Arneson.

Applicants, however, respectfully submit that a *prima facie* case of obviousness has not been established by the evidence presented in the Office Action. As reiterated by the Supreme Court in KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007), the framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966). The factual inquiries enunciated by the Court are as follows:

- (A) Determining the scope and content of the prior art;
 - (B) Ascertaining the differences between the claimed invention and the prior art;
- and
- (C) Resolving the level of ordinary skill in the pertinent art.

To reach a proper determination under 35 U.S.C. § 103(a), the Examiner must step backward in time and into the shoes worn by the hypothetical “person of ordinary skill in

the art” when the invention was unknown and just before it was made. In view of all factual information, the Examiner must then make a determination whether the claimed invention “as a whole” would have been obvious at that time to that person. (M.P.E.P. § 2142). “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Applicants respectfully submit that Cattán and Arneson, either individually or in combination, fail to disclose one or more of the claim limitations recited in each of claims 1-25. These differences, along with other difference, establish that the subject matter as a whole of claims 1-25 would not have been obvious at the time of invention to a person of ordinary skill in the art.

The Office Action alleges on page 5 that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a message identifier that uniquely identifies a message sent to a mobile device, since it would have allowed reply messages to be quickly and accurately associated with the original messages to determine the appropriate actions to take in response to the reply message.” Applicants do not disagree that a message identifier that uniquely identifies a message sent to a mobile device can be used to allow reply messages that include the message identifier to be quickly and accurately associated with the original messages as alleged. Yet, Applicants respectfully submit that the Office Action has failed to support its conclusion that the recited manner in which a message identifier when included in a reply message is used such that appropriate actions are taken as recited in claim 1.

For example, claim 1 recites the limitation of “storing state information at the computer system that is unique to a message to be sent to a device, the state information providing a message identifier generated by the computer system to uniquely identify the message and a mapping associating at least a portion of the action information with the message identifier generated by the computer system.” (Emphasis added). As recited in claim 1, based

on a message identifier (that uniquely identifies a message sent to a device) received in a response message, the stored state information that is unique to the message sent to the device is retrieved to obtain a previously stored mapping associating at least a portion of the action information with the message identifier. (Emphasis added).

The Office Action acknowledges that Cattán fails to disclose or suggest a message identifier that uniquely identifies a message as recited in claim 1. In particular, Cattán relies on the ID of mobile terminal 110 to obtain stored information from the tables shown in the figures. Cattán suggests that the ID is a telephone number of mobile terminal 110, and this is reasonable in the context of the SMS messages being sent and received by the Cellular-to-Web converter 140 of Cattán. Thus, Cattán, as acknowledged, clearly does not suggest use of a message identifier that uniquely identifies a message as recited in claim 1 by Cellular-to-Web converter 140.

Yet this recognition by the Office Action presents one or more problems to the reasoning set forth in the Office Action for modifying the Cellular-to-Web converter 140 of Cattán with at least the teachings of Ameson or any other cited reference. First, the proposed modification to the Cellular-to-Web converter 140 of Cattán for using unique message identifiers as recited in claim 1 instead of the ID of a user's mobile terminal changes the principle of operation of the Cellular-to-Web converter 140. However, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). In particular, Cattán ties a session to the ID of the user's mobile terminal. If a user changes mobile terminals, a new session would be created and used. In contrast to tying session to the ID of the user's mobile device, claim 1 recites storing state information at the computer system that is unique to a message to be sent to a device. As recited, the state information provides a message identifier to uniquely identify the message and a mapping associating at least a portion of the action information with the message identifier. Accordingly, a user potentially can reply from a

different mobile terminal and maintain a session because each the stored state information for each message is unique as recited in claim 1.

Thus, any proposed modification to the Cellular-to-Web converter 140 of Cattán that changes the principle of operation of the Cellular-to-Web converter 140 from user sessions based on the ID of a user's mobile terminal to a mode of operation as recited in claim 1 is not sufficient to render claim 1 *prima facie* obvious because claim 1 recites a different way of determine the appropriate actions to take in response to a reply message.

Accordingly, Cattán also fails to disclose or suggest the limitation of "storing state information at the computer system that is unique to a message to be sent to a device, the state information providing a message identifier generated by the computer system to uniquely identify the message and a mapping associating at least a portion of the action information with the message identifier generated by the computer system" as recited in claim 1. The reasoning presented on page 3 of the Office Action is unpersuasive that Cattán discloses the recited "state information that is unique to a message." As discussed above, the Office Action correlates the recited unique message identifier with the ID of the user's mobile terminal in Cattán on page 3, yet, on page 4 acknowledges that Cattán lacks any such disclosure of the recited unique message identifier. Moreover, a reasonable interpretation of "a message identifier generated by the computer system to uniquely identify the message" as recited excludes the ID of mobile terminal 100 of Cattán because such an interpretation of the ID of mobile terminal 100 cannot be understood to uniquely identify each SMS message. Finally, the recited stored state information provides "a mapping associating at least a portion of the action information with the message identifier." While Cattán may disclose that ID of the mobile terminal and the SMS destination address are mapped to a URI, such a mapping does not disclose or suggest a mapping associating at least a portion of stored action information with a message identifier as recited in claim 1 and the proposed combination with Arenson is similarly deficient.

Cattán further fails to disclose or suggest the limitation of "retrieving the stored state information that is unique to the message sent to the device using the computer system to obtain the mapping associating at least a portion of the action information with the message

identifier based on the message identifier received in the response message from the device” as recited in claim 1. The Office Action alleges on page 4 that “appropriate action information is obtained using th ID and the SMS destination address. However, the alleged “appropriate action information” is substantially different from “the stored state information” as recited in claim 1. Claim 1 recites that two types of information are stored, “state information” and “action information.” Applicants respectfully request clarification of the rejection as it fails to consider the difference between the recited “state information” and the recited “action information.”

In the second part, Applicants respectfully submit that Arneson fails to disclose or suggest the limitation of “storing state information at the computer system that is unique to a message to be sent to a device, the state information providing a message identifier generated by the computer system to uniquely identify the message and a mapping associating at least a portion of the action information with the message identifier generated by the computer system.”

The claim check in Arneson is not equivalent to a message identifier that is unique to a message to be sent to a device as is stored in the state information recited in claim 1. In Arneson, an event is associated with the claim check and also with a device identifier. While the claim check can be transmitted in a originally sent message and in a reply message, the claim check does not uniquely identify the message nor does the claim check have part in a mapping associating at least a portion of the action information with the message identifier as recited in claim 1. Moreover, Arneson simply suggests that the claim check can be a phone number which further departs from a unique message identifier as recited in claim 1 that can be associated with at least a portion of the action information as recited in claim 1.

Accordingly, Applicants respectfully submit that Cattán and Arneson fail to disclose each and every claim limitation as recited in claim 1. Applicants further respectfully submit that none of the cited references cure the above-discussed deficiencies of Cattán and Arneson, and thus, claim 1 is allowable over the cited references.

Applicants respectfully submit that independent claims 8, 15, and 21 are allowable for at least a similar rationale as discussed above for the allowability of claim 1, and others. Applicants respectfully submit that dependent claims 2-7, 9-14, 16-20, and 22-25 that

depend directly and/or indirectly from independent claims 1, 8, 15, and 21 respectively, are also allowable for at least a similar rationale as discussed above for the allowability of the independent claims. Applicants further respectfully submit that the dependent claims recite additional features that make the dependent claims allowable for additional reasons.

Unless otherwise specified, amendments to the claims are made for the purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof.

While Applicants do not necessarily agree with the prior art rejections set forth in the Office Action, these amendments may be made to expedite issuance of the Application. Applicants reserve the right to pursue claims to subject matter similar to those pending before the present Amendment in co-pending or subsequent applications.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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